



**DEPARTMENT OF THE NAVY**  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
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SAN DIEGO, CA 92147

5720  
Ser BPMOW.rdc/373  
November 21, 2019

Ms. Leah Rabkin  
Kelley Drye & Warren  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007

Dear Ms. Rabkin:

This letter responds to your Freedom of Information Act (FOIA) request of September 18, 2019 in which you requested the following:

1. All data, information, and materials (including, but not limited to reports, data, assessments, memoranda, and/or documents) relied on, used to prepare, and/or otherwise pertaining to the March 26, 2019 report entitled "Radiological Work Performed by Tetra Tech EC on Treasure Island."
2. All internal Navy communications pertaining to the data, information and materials identified in Requests No. 1.
3. All communications between the Navy and any third party or government agency (including, but not limited to the City and County of San Francisco, the California Department of Public Health, the California Environmental Protection Agency, the California Department of Toxic Substances Control, the United States Navy, the United States Environmental Protection Agency, the office of any local, state or federal elected official or representative, and any division or department of any of the foregoing) pertaining to the data and information identified in Request No. 1.

Your request was received by this office on September 24, 2019 and assigned file number DON-Navy-2019-011410. The scope of your FOIA request was modified via email on October 22, 2019, "to include only primary documents relied upon or used to prepare the March 26, 2019 report entitled "Radiological Work Performed by Tetra Tech EC on Treasure Island" plus internal / external Navy communications about the report". In addition, you agreed to pay estimated fees of up to \$2,100.

This letter provides the final determination to your request.

During our search, we examined the files maintained by our office and NAVFAC Administrative Record as responsive to your request. We have identified approximately one hundred and seven (107) records as responsive to your request. Of those records, eight (8) are being provided in their entirety with this determination. One (1) record being provided with this determination has been partially redacted for information protected under Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) for information that, if disclosed, would invade an individual's personal privacy. The remainder of the document is being released in response to your request.

We are continuing to process records under your request and responsive documents will be released to you as processing is completed.

We anticipate that the following exemptions will apply to records identified pursuant to your request:

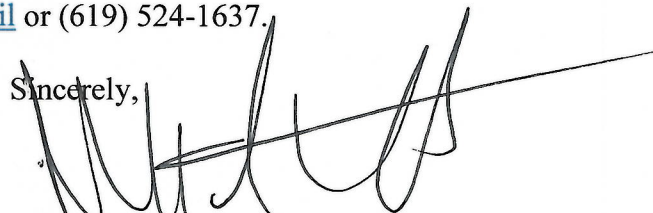
- Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)) for "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." The exemption covers two broad categories of information in federal agency records: (1) trade secrets; and (2) information that is (a) commercial or financial, and (b) obtained from a person, and (c) privileged or confidential.
- Exemption 5 of the FOIA (5 U.S.C. § 552(b)(5)) for protection under the deliberative process privilege, which protects the decision-making process of government agencies. This privilege protects materials that are both predecisional and deliberative and includes, among other things, draft documents and proposals.
- Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) for information that, if disclosed, would invade an individual's personal privacy.

No payment is due at this time. An invoice will be sent when all responsive documents are released to you.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at [Christopher.A.Julka@navy.mil](mailto:Christopher.A.Julka@navy.mil) or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Meredith Richards, who may be contacted at [meredith.richards@navy.mil](mailto:meredith.richards@navy.mil) or (619) 524-1637.

Sincerely,



KIMBERLY A. OSTROWSKI  
Director